IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH JAIPUR

JUDGMENT

S.B. CIVIL MISC. APPEAL NO.1507/2005
SMT. KISHORI V. SHRI SHEOJI RAM & SHIVJIRAM & OTHERS

DATE OF JUDGMENT :::: SEPTEMBER 04, 2006

PRESENT

HON'BLE MR. JUSTICE PREM SHANKER ASOPA

Mr. K.N.Tiwari, for the appellant

BY THE COURT

The instant appeal has been filed by the claimant for enhancement of compensation awarded by the Motor Accident Claims Tribunal and Additional District and Sessions Judge, Fast Track No.3, Jaipur Distt. Jaipur (hereinafter referred to as `the Tribunal'), vide its award dated 5.2.2005 in MAC Case No.954/2004 whereby compensation of Rs.5,096/- has been awarded.

Brief facts of the case are that on 27.11.1999 the claimant along with her husband and others was going on the left side, on foot from the side of Chaksu Bus Stand, Truck No.RJ-09-G 1498 coming from the side of Jaipur dashed and caused injuries to them. The claimant sustained four injuries – (i) swelling on the hip, (ii) contusion on lower lumber region, (iii) pain in chest and (iv) abrasion on right ankle.

The appellant submitted claim petition before the Tribunal for compensation amounting to Rs.5,12,000/-. The Tribunal awarded a sum of Rs.4,000/- under the head of physical pain and mental agony; Rs.500/- for

nutritious food and expenses incurred in transportation and Rs.250/- on account of loss of income. The claimant produced medical bills of Rs.346/- and the Tribunal also awarded the said amount of Rs.346/-. Thus, a total sum of Rs.5,096/- has been awarded by the Tribunal.

Submission of the learned counsel for the appellant is that the amount of Rs.4,000/- awarded under the head of physical pain and mental agony is on the lower side.

I have heard learned counsel for the appellant and considered the submissions made by the learned counsel.

In my view, amount of Rs.4,000/- under the head of `physical pain and mental agony' is just, legal and proper. On other counts, proper compensation has been awarded. No interference is called for in this appeal.

The appeal fails and is dismissed.

(PREM SHANKER ASOPA) J.

GOPAL